

ISSUES PENDING BEFORE THE CALIFORNIA SUPREME COURT IN CRIMINAL CASES

[These case summaries are made available to inform the public of the general subject matter in cases that the Supreme Court has accepted for review. The statement of the issue or issues in each case set out below does not necessarily reflect the views of the court, or define the specific issues that will be addressed by the court. This compilation is current as of Friday, January 25, 2019.]

People v. Aledamat, S248105. (B282911; 20 Cal.App.5th 1149; Los Angeles County Superior Court; BA451225.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issues: (1) Is error in instructing the jury on both a legally correct theory of guilt and a legally incorrect one harmless if an examination of the record permits a reviewing court to conclude beyond a reasonable doubt that the jury based its verdict on the valid theory, or is the error harmless only if the record affirmatively demonstrates that the jury actually rested its verdict on the legally correct theory? (2) Could the jury in this case have concluded that defendant used an inherently deadly weapon in committing the assault without also concluding that defendant used a weapon in a manner that presents a risk of death or great bodily injury?

People v. Aranda, S214116. (E056708; 219 Cal.App.4th 764; Riverside County Superior Court; RIF154701.) Petition for review after the Court of Appeal affirmed an order dismissing one count and remanding for further proceedings. This case presents the following issue: Did the Court of Appeal err by holding that double jeopardy prevents retrial of defendant for first degree murder where the jury did not return a verdict on that offense and deadlocked on the lesser included offenses of second degree murder and voluntary manslaughter, because the trial court failed to afford the jury an opportunity to return a partial acquittal on the charge of first degree murder? (See *Blueford v. Arkansas* (2012) 566 U.S. 599; *Stone v. Superior Court* (1982) 31 Cal.3d 503.)

People v. Arredondo, S233582. (H040980; 245 Cal.App.4th 186, mod. 245 Cal.App.4th 777d; Santa Clara County Superior Court; C1363765, C1365187.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did law enforcement violate the Fourth Amendment by taking a warrantless blood sample from defendant while he was unconscious, or was the search and seizure valid because defendant expressly consented to chemical testing when he applied for a driver's license (see Veh. Code, § 13384) or because defendant was "deemed to have given his consent" under California's implied consent law (Veh. Code, § 23612)? (2) Did the People forfeit their claim that defendant expressly consented? (3) If the warrantless blood sample was unreasonable, does the good faith exception to the exclusionary rule apply because law enforcement reasonably relied on Vehicle Code section 23612 in securing the sample?

People v. Arredondo, S244166. (E064206; 13 Cal.App.5th 950; Riverside County Superior Court; RIF1310007, RIF1403693.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant's right of confrontation violated when he was unable to see witnesses as they testified because the trial court allowed a computer monitor on the witness stand to be raised by several inches to allow them to testify without seeing him when they testified in his presence?

Association for Los Angeles Deputy Sheriffs v. Superior Court, S243855. (B280676; 13 Cal.App.5th 413; Los Angeles County Superior Court; BS166063.) Petition for review after the Court of Appeal granted in part and denied in part a petition for writ of peremptory mandate. The court directed the parties to brief the following issue: When a law enforcement agency creates an internal *Brady* list (see Gov. Code, § 3305.5), and a peace officer on that list is a potential witness in a pending criminal prosecution, may the agency disclose to the prosecution (a) the name and identifying number of the officer and (b) that the officer may have relevant exonerating or impeaching material in his or her confidential personnel file, or can such disclosure be made only by court order on a properly filed *Pitchess* motion? (See *Brady v. Maryland* (1963) 373 U.S. 83; *People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531; Pen. Code, §§ 832.7-832.8; Evid. Code, §§ 1043-1045.) What bearing, if any, does Senate Bill No. 1421 (Stats. 2018, ch. 988) have on this court's examination of the question presented for review in this case?

People v. Bullard, S239488. In this case in which briefing was previously deferred pending decision in *People v. Page* (2017) 3 Cal.5th 1175, the court ordered the parties to brief the following question: Does equal protection or the avoidance of absurd consequences require that misdemeanor sentencing under Penal Code sections 490.2 and 1170.18 extend not only to those convicted of violating Vehicle Code section 10851 by theft, but also to those convicted for taking a vehicle without the intent to permanently deprive the owner of possession? (See *People v. Page* (2017) 3 Cal.5th 1175, 1188, fn. 5.)

People v. Canizales, S221958. (E054056; 229 Cal.App.4th 820; San Bernardino County Superior Court; FVA1001265.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. This case presents the following issue: Was the jury properly instructed on the "kill zone" theory of attempted murder?

People v. Colbert, S238954. (H042499; 5 Cal.App.5th 385; Santa Clara County Superior Court; 206805.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Did defendant's entry into separate office areas of a commercial establishment that were off-limits to the general public constitute an "exit" from the "commercial" part of the establishment that precluded reducing his conviction for second degree burglary to misdemeanor shoplifting under Penal Code section 459.5?

In re Cook, S240153. (G050907; 7 Cal.App.5th 393; San Bernardino County Superior Court; WHCSS1400290.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case presents the following issue: Does habeas corpus jurisdiction exist for a petitioner seeking a post-sentencing hearing to make a record of “mitigating evidence tied to his youth” (*People v. Franklin* (2016) 63 Cal.4th 261, 276) after the conviction is final?

Facebook, Inc. v. Superior Court (Touchstone), S245203. (D027171; 15 Cal.App.5th 729; San Diego County Superior Court; SCD268262.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. In addition to the issues raised in the petition for review, the court directed the parties to address the following issues: (1) If, on remand and in conjunction with continuing pretrial proceedings, the prosecution lists the victim as a witness who will testify at trial (see Pen. Code, §§ 1054.1, subd. (a)), 1054.7) and if the materiality of the sought communications is shown, does the trial court have authority, pursuant to statutory and/or inherent power to control litigation before it and to insure fair proceedings, to order the victim witness (or any other listed witness), on pain of sanctions, to either (a) comply with a subpoena served on him or her, seeking disclosure of the sought communications subject to in camera review and any appropriate protective or limiting conditions, or (b) consent to disclosure by provider Facebook subject to in camera review and any appropriate protective or limiting conditions? (2) Would a court order under either (1)(a) or (1)(b) be valid under the Stored Communications Act, 18 U.S.C., section 2702(b)(3)? (3) Assuming the orders described in (1) cannot properly be issued and enforced in conjunction with continuing *pretrial* proceedings, does the trial court have authority, on an appropriate showing *during trial*, to issue and enforce such orders? (4) Would a court order contemplated under (3) be proper under the Stored Communications Act, 18 U.S.C., section 2702(b)(3)? With regard to questions (1)-(4), see, e.g., *O’Grady v. Superior Court* (2006) 139 Cal.App.4th 1423; *Juror Number One v. Superior Court* (2012) 206 Cal.App.4th 854; *Negro v. Superior Court* (2014) 230 Cal.App.4th 879; and the Court of Appeal decision below, *Facebook, Inc., v. Superior Court (Touchstone)* (2017) 15 Cal.App.5th 729, 745-748. (5) As an alternative to options (1) or (3) set forth above, may the trial court, acting pursuant to statutory and/or inherent authority to control the litigation before it and to insure fair proceedings, and consistently with 18 U.S.C. section 2702(b)(3), order the prosecution to issue a search warrant under 18 U.S.C. section 2703 regarding the sought communications? (Cf. *State v. Bray* (Or.App. 2016) 383 P.3d 883, pets. for rev. accepted June 15, 2017, 397 P.3d 30 [S064843, the state’s pet.]; 397 P.3d 37 [S064846, the defendant’s pet.].) In this regard, what is the effect, if any, of California Constitution, article I, sections 15 and 24?

People v. Fontenot, S247044. (B271368; nonpublished opinion; Los Angeles County Superior Court; NA093411.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Is attempted kidnapping a lesser included offense of kidnapping? (See *People v. Bailey* (2012) 54 Cal.4th 740, 753; *People v. Martinez* (1999) 20 Cal.4th 225, 241.)

People v. Foster, S248046. (D071733; nonpublished opinion; San Diego County Superior Court; SCD204096.) Petition for review after the Court of Appeal affirmed an order denying a motion to vacate commitment as a mentally disordered offender. This case presents the following issue: Must a commitment or recommitment as an mentally disordered offender be vacated if the underlying offense supporting the initial commitment is redesignated as a misdemeanor under Proposition 47?

People v. Frahs, S252220. (G054674; 27 Cal.App.5th 784; Orange County Superior Court; 16CF0837.) Review ordered on the court's own motion after the Court of Appeal conditionally reversed and remanded a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

People v. Frazier, S250300. (B281888; nonpublished opinion; Los Angeles County Superior Court; LA083934.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was the trial court's failure to instruct the jury that the special circumstance required the aider and abettor harbor the intent to kill prejudicial?

In re G.C., S252057. (H043281; 27 Cal.App.5th 110; Santa Clara County Superior Court; JV40902.) Petition for review after the Court of Appeal dismissed an appeal from orders in a juvenile wardship proceeding. This case presents the following issue: Can the juvenile court's failure to expressly declare whether an offense is a felony or a misdemeanor (see *In re Manzy W.* (1997) 14 Cal.4th 1199) be challenged on appeal from orders in a subsequent wardship proceeding?

Gardner v. Appellate Division of Superior Court, S246214. (E066330; 17 Cal.App.5th 636; San Bernardino County Superior Court; ACRAS1600028, CIVDS1610302.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Is the Appellate Division of the Superior Court required to appoint counsel for an indigent defendant charged with a misdemeanor offense on an appeal by the prosecution?

People v. Guzman, S242244. (B265937; 11 Cal.App.5th 184; Los Angeles County Superior Court; BA420611.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does the "Right to Truth-in-Evidence" provision of the California Constitution (art. I, § 28, subd. (f)(2)) abrogate Penal Code section 632, subdivision (d), which otherwise mandates the exclusion of recorded confidential communications from evidence in criminal proceedings?

In re H.W., S237415. (C079926; 2 Cal.App.5th 937; Sacramento County Superior Court; JV137101.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceedings. This case presents the following issue: Did the Court of Appeal err in holding that a pair of pliers, which the defendant used to remove an anti-theft device from a pair of blue jeans in a department store, qualified as a burglary tool within the meaning of Penal Code section 466?

In re Humphrey, S247278. (A152056; 19 Cal.App.5th 1006; San Francisco County Superior Court; 17007715.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court limited review to the following issues: (1) Did the Court of Appeal err in holding that principles of constitutional due process and equal protection require consideration of a criminal defendant's ability to pay in setting or reviewing the amount of monetary bail? (2) In setting the amount of monetary bail, may a trial court consider public and victim safety? Must it do so? (3) Under what circumstances does the California Constitution permit bail to be denied in noncapital cases? Included is the question of what constitutional provision governs the denial of bail in noncapital cases—article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution—or, in the alternative, whether these provisions may be reconciled. (4) What effect, if any, does Senate Bill No. 10 (2017-2018 Reg. Sess.) have on the resolution of the issues presented by this case?

In re J.G., S240397. (C077056; 7 Cal.App.5th 955; Shasta County Superior Court; JDSQ122933901.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. This case includes the following issues: (1) Did the juvenile court have the authority to convert a restitution order to a civil judgment at the completion of deferred entry of judgment? (2) Did the juvenile court err by ruling that restitution could be paid from federally-protected Social Security benefits?

People v. Jimenez, S249397. (B283858; 22 Cal.App.5th 1282; Ventura County Superior Court; 2016041618.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issue: May a felony conviction for the unauthorized use of personal identifying information of another (Pen. Code, § 530.5, subd. (a)) be reclassified as a misdemeanor under Proposition 47 on the ground that the offense amounted to Penal Code section 459.5 shoplifting?

People v. Lara, S243975. (E065029; nonpublished opinion; Riverside County Superior Court; INF1302723.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does Penal Code section 490.2, added by Proposition 47, effective November 5, 2014, apply directly (i.e., without a petition under Penal Code section 1170.18) in trial and sentencing proceedings held after Proposition 47's effective date, where the charged offense was allegedly committed before Proposition 47's effective date?

People v. Lemcke, S250108. (G054241; nonpublished opinion; Orange County Superior Court; 14CF3596.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. This case presents the following issue: Does instructing a jury with CALCRIM No. 315 that an eyewitness's level of certainty can be considered when evaluating the reliability of the identification violate a defendant's due process rights?

People v. Liu, S248130. (B279393; 21 Cal.App.5th 143; Los Angeles County Superior Court; GA090351.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order denying a petition to recall sentence. This case includes the following issue: For the purpose of determining whether a conviction for theft of access card information in violation of Penal Code section 484e, subdivision (d), is eligible to be reduced to a misdemeanor under Proposition 47 when the information has been used to obtain property, is the value of the access card information limited to the fair market value of the information itself on the black market or can the value of the property obtained by the use of the information be considered? (See *People v. Romanowski* (2017) 2 Cal.5th 903, 914.)

People v. Long, S249274. (E066388; nonpublished opinion; Riverside County Superior Court; RIF113354.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents the following issues: (1) Did defense counsel render ineffective assistance by failing to consult a qualified expert on determining time of death and failing to present evidence regarding defendant's clothing around the time of the crime? (2) Did the decision of the Court of Appeal adhere to the controlling standards of appellate review?

People v. Lopez, S238627. (C078537; 4 Cal.App.5th 815; Yolo County Superior Court; CRF143400.) Petition for review after the Court of Appeal reversed an order of dismissal of a criminal proceeding. This case presents the following issue: Does *Arizona v. Gant* (2009) 556 U.S. 332 permit a peace officer to search the interior of a suspect's vehicle for identification if the suspect fails to provide it upon request? (See *In re Arturo D.* (2002) 27 Cal.4th 60.)

People v. Lopez, S250829. (F074581; 26 Cal.App.5th 382; Tulare County Superior Court; VCF314447.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issues: (1) Can the prosecution charge theft and shoplifting of the same property, notwithstanding Penal Code section 459.5, subdivision (b), which provides that “Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property”? (2) If not, was trial counsel ineffective for failing to object to the theft charge? (3) Did defendant forfeit the argument under Penal Code section 459.5 by failing to object to the prosecution’s charging both shoplifting and theft? (4) If defendant had objected, what should the trial court’s ruling have been? Might it have ordered the prosecution to choose between a shoplifting charge and a theft charge? If so, and given the potential difficulty in proving the intent required for shoplifting, might the prosecution have chosen to charge only petty theft with a prior? In that event, would defendant have been prejudiced by the failure to object? (5) Was petty theft with a prior a lesser included offense of shoplifting under the accusatory pleading test? If so, could the trial court have instructed the jury on shoplifting as the charged offense and on petty theft as a lesser included offense? (See *People v. Reed* (2006) 38 Cal.4th 1224, 1227-1231.) If not, and assuming defendant had objected to charging both crimes, could the prosecution have moved to amend the charging document to make the theft charge a lesser included offense of shoplifting under the accusatory pleading test? If that had occurred, could the trial court have instructed on shoplifting as the charged offense and on petty theft as a lesser included offense? In that event, would defendant have been prejudiced by the failure to object?

People v. Mateo, S232674. (B258333; nonpublished opinion; Los Angeles County Superior Court; BA414092.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. This case presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. FAVOR* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) 570 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155? What bearing, if any, does Senate Bill No. 1437 (Stats. 2018, ch. 1015) have on the question presented in this case?

People v. McKenzie, S251333. (F073942; 25 Cal.App.5th 1207; Madera County Superior Court; MCR047554, MCR047692, MCR047982.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: When is the judgment in a criminal case final for purposes of applying a later change in the law if the defendant was granted probation and imposition of sentence was suspended?

People v. Orozco, S249495. (D067313; 24 Cal.App.5th 667; San Diego County Superior Court; SCN335521.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

People v. Ovieda, S247235. (B277860; 19 Cal.App.5th 614; Santa Barbara County Superior Court; 1476460.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did the trial court err when it applied the community caretaking exception to the Fourth Amendment as the basis for denying defendant's motion to suppress evidence of drug manufacturing equipment and an assault weapon found in his residence after police officers responded to an emergency call involving his threats to commit suicide, encountered defendant outside the residence, and entered without a warrant or consent?

In re Palmer, S252145. (A147177; 27 Cal.App.5th 120.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case presents the following issue: What standard should the Board of Parole Hearings apply in giving "great weight to the diminished culpability of youth as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" as set forth in Penal Code section 4801, subdivision (c), in determining parole suitability for youth offenders?

People v. Partee, S248520. (B276040; 21 Cal.App.5th 630; Los Angeles County Superior Court; TA138027.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Was defendant properly convicted as an accessory after the fact (Pen. Code § 32) for refusing to testify at trial after being subpoenaed as a witness and offered immunity for her testimony?

People v. Perez, S248730. (E060438; 22 Cal.App.5th 201; San Bernardino County Superior Court; FVI901482.) Petition for review after the Court of Appeal reversed in part and affirmed in part judgments of conviction of criminal offenses. The court limited review to the following issue: Did defendant's failure to object at trial, before *People v. Sanchez* (2016) 63 Cal.4th 665 was decided, forfeit his claim that a gang expert's testimony related case-specific hearsay in violation of his Sixth Amendment right of confrontation?

In re Ricardo P., S230923. (A144149; 241 Cal.App.4th 676; Alameda County Superior Court; J14023676.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding. This case presents the following issue: Did the trial court err by imposing an “electronics search condition” on the juvenile as a condition of his probation when that condition had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate the juvenile’s supervision?

Robinson v. Lewis, S228137. (9th Cir. No. 14-15125; 795 F.3d 926; Eastern District of California; 2:13-cv-00604-WBS-AC.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented, as restated by the court, is: “When a California court denies a claim in a petition for writ of habeas corpus, and the petitioner subsequently files the same or a similar claim in a petition for writ of habeas corpus directed to the original jurisdiction of a higher court, what is the significance, if any, of the period of time between the earlier petition’s denial and the subsequent petition’s filing (66 days in this case) for the purpose of determining the subsequent claim’s timeliness under California law?”

People v. Rodriguez, S251706. (F073594; 26 Cal.App.5th 890; Kings County Superior Court; 12CM7070.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did the prosecutor improperly vouch for the testifying correctional officers by arguing in rebuttal that they had no reason to lie, would not place their careers at risk by lying, and would not subject themselves to possible prosecution for perjury?

Satele v. Superior Court, S248492. (B288828; no opinion; Los Angeles County Superior Court; NA039358.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court issued an order to show cause. This case concerns a request under Penal Code section 1054.9 for discovery of evidence that was admitted at trial and is in the possession of the superior court.

People v. Valenzuela, S239122. (B269027; 5 Cal.App.5th 449; Ventura County Superior Court; 2013025724.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Does a conviction for active gang participation in violation of Penal Code section 186.22, subdivision (a), which requires that the defendant willfully promote, further, or assist in any *felonious* criminal conduct of the gang, remain valid when the underlying conduct in question was reduced from a felony to a misdemeanor pursuant to Proposition 47? Is defendant's conviction under Penal Code section 186.22, subdivision (a), a crime eligible for resentencing in light of this court's recent decisions in *People v. Buycks* (July 30, 2018, S231765) __ Cal.5th __ and *People v. Page* (2017) 3 Cal.5th 1175, 1184-1185? If so, is defendant entitled to retroactive relief under the authority of *In re Estrada* (1965) 63 Cal.2d 740, as applied in *People v. DeHoyos* (2018) 4 Cal.5th 594 and *People v. Davis* (2016) 246 Cal.App.4th 127?

People v. Veamatahau, S249872. (A150689; 24 Cal.App.5th 68; San Mateo County Superior Court; SF398877.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the prosecution's expert witness relate inadmissible case-specific hearsay to the jury by using a drug database to identify the chemical composition of the drug defendant possessed? (2) Did substantial evidence support defendant's conviction for possession of a controlled substance (Health & Saf. Code, § 11375, subd. (b)(2))?

In re Webb, S247074. (D072981; 20 Cal.App.5th 44; San Diego County Superior Court; HSC11619, SCS293150.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case presents the following issue: Does the superior court have statutory or inherent authority to impose conditions of bail on felony defendants who post bail in the amount specified in the superior court's bail schedule or above that amount? What effect, if any, does Senate Bill No. 10 (2017-2018 Reg. Sess.) have on the resolution of the issues presented by this case?

In re White, S248125. (D073054; 21 Cal.App.5th 18; San Diego County Superior Court; SCN376029.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issues: (1) Under what circumstances does the California Constitution permit bail to be denied in noncapital cases? Included is the question of what constitutional provision governs the denial of bail in noncapital cases—article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution—or, in the alternative, whether these provisions may be reconciled. (2) What standard of review applies to review of the denial of bail? (3) Did the Court of Appeal err in affirming the trial court's denial of bail? (4) What effect, if any, does Senate Bill No. 10 (2017-2018 Reg. Sess.) have on the resolution of the issues presented by this case?